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WASHINGTON, D.C. 20006-5805

April 25, 2008

By Facsimile

The Honorable George B. Daniels,
United States District Judge,
Daniel Patrick Moynihan United States Courthouse,
500 Pearl Street, Room 630,
New York, New York 10007.

Re: Broughel v. The Battery Conservancy and Warrie Price, et al. 1:07-cv-7755

Dear Judge Daniels:

I represent Defendants The Battery Conservancy and Ms. Warrie Price. I write to oppose Plaintiff's second request for an extension – now to more than four weeks after receipt of our Opposition– to file her Reply to Defendants' Opposition to Plaintiff's Motion for a Preliminary Injunction.

Because of the schedules of the lawyers working on this matter – several of which were set in reliance on the due dates of this case – we would be prejudiced in our ability to prepare for the argument of these motions were Ms. Hoffman to file her papers after May 2. Granting her request would give us less than a week to prepare, and during that time we have other obligations. The grant of Ms Hoffman's request would greatly narrow the time available for review of her Reply, a prejudice amplified by the attendant delays in my receiving her papers while out of the country.

The Honorable George B. Daniels

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Plaintiff's request is also improper because she has yet again failed even to advise us of her request for more time – much less consulted, as she is obligated to do. She has also ignored Rule 1 (E) of the Court's Individual Practice by failing to inform the Court of the original date (April 21) for her reply papers, and of her previous request – which was granted – for an extension until May 2.

Plaintiff offers as her excuse the claim that it would be convenient for her to file two replies on the same day. However, Plaintiff *chose* that very schedule, by filing two motions two weeks apart instead of joining all the defendants in one motion. To give her another week to reply would reward her flaunting of the rules and proliferation of papers, while penalizing the Defendants by giving them inadequate time to prepare for the hearing. In a word, it would be unfair.

Ms. Hoffman has had our timely-filed Opposition to her Motion for a Preliminary Injunction since April 14. After replying to that Opposition on May 2, Ms. Hoffman may do as the Court suggested at the April 8 hearing, and reply to Defendants Weisz + Yoes Architecture's ("W+Y") by incorporating her Reply to our Opposition, adding additional arguments she might deem appropriate in view of W+Y's position to the extent that W+Y's Opposition raises different issues.

Respectfully submitted,


Margaret K. Pfeiffer

cc: Barbara T. Hoffman, Esq. (by facsimile)
Jarrett M. Behar, Esq. (by e-mail)
Ms. Warrie Price (by e-mail)
Ms. Pat Kirshner (by e-mail)